REMARKS

Claims 1-13 have been amended. In order to more properly define the contribution of the present invention, claim 1 has been amended to eliminate the term "vertically." This limitation is believed to be unnecessary for the patentability of the claim. New claims 14-19 have been added. The support for new claims can be found as follows:

Claim 14 – original claim 2;

Claims 15-17 – §0042, Examples 8-9;

Claims 18-19 – §0068; and

Claim 20 – §0007- §0008, §0027-§0029.

No new matter has been introduced. Claims 1-20 are pending in this application. Reconsideration and entrance of the amendment in the application are respectfully requested.

Double Patenting Rejection

Claims 1-13 were provisionally rejected under the judicially created doctrine of double patenting over claims 1-13 of co-pending Application No. 10/430,352 (the '352 application). The Examiner states that the instant application is rejected because "the referenced co-pending application and the instant application are claiming common subject matter, as follows: a display strip with the recited sealant layer, and packages detachable from said strip ." This rejection has been overcome by amendment of claims 1-13 of the instant application.

The amended claims of the instant applications are directed to (1) a display strip comprising a sealant layer, which is torn more easily than the surface of the bag (claim 1 and its dependent claims) or (2) a display strip comprising a polyethylene layer is formed between the substrate layer and the sealant layer

(claim 9 and its dependent claims). Additionally, new claims 14-20 are directed to (3) a display strip, wherein a melt flow rate of the ethylene-vinyl acetate copolymer is in a range of 1 to 30 (claim 15 and its dependent claims) or (4) a display strip that provides enough bonding strength with the bags to hold them during transporting and displaying but allows to remove the bags without damaging their outer surface (claim 20 and its dependent claims). The '352 application, on the other hand, claims a display strip such that a peeling takes place in an interface between the surface of the bag and the sealant layer.

Accordingly, the instant application claims subject matter different from that of the '352 application. Thus, applicants respectfully request the double patenting rejection over the '352 application to be withdrawn.

Art-Based Rejections

Claims 1, 4-13 are rejected under 35 U.S.C. §103(a) over U.S. Pat. No. 6,481,184 to Junker et al. ("Junker") in view of U.S. Pat. No. 6,481,184 in view of Baeztzold et al. ("Baeztzold"). Applicants respectfully traverse the rejection and submit that the claims herein are patentable in light of the clarifying amendments above and the arguments below.

The present application is generally directed to a display strip for holding and aligning a plurality of commodity-containing bags for display. As discussed in the specification, when a commodities-containing bag, attached to a conventional display strip, is removed from the strip, cohesion failure occurs on the surface of the bag. This results in the damage of the print surface of the bag (§0029 of the publication US 2004/0040919, all further references are to the publication). In contrast, in one embodiment, the display strip of the present invention has a sealant layer formed by a material, which is torn more easily than the surface of the

bag. As a result, as shown in FIG. 2, when separated, the peeling, advantageously, takes place in the interface between the sealant layer and the surface of the bag, with the sealant layer on the display strip side being stretched and torn. This allows removing the commodity-containing bag from the display strip without damaging it structure or appearance. (§0029).

Accordingly, claim 1 has been amended to clarify that the sealant layer of the display strip of one embodiment of the present invention is torn more easily than the surface of the bag. Cited references do not make the amended claim 1 obvious because neither reference teaches or suggests such sealant layer.

Junker is not concerned with preventing damage to the bags during their peeling from a display strip, much less with providing a special sealant layer that ensures that the peeling takes place in the interface between a bag and the strip. Instead, the purpose of his invention is to provide a method for inexpensive automated packaging of bags and their attachment to the display strip (col. 2, ll.12-27). In discussing "[m]any possibilities exist[ing] for mounting the bags on the hanger strip," Junker mentions, in passing, that the strip may have a sealing layer so that "the connection to the bag can occur through hot sealing" (col. 2, ll. 55-63). But Junker does not describe or suggest a sealing layer that is torn more easily than the surface of the bag.

Baetzold does not remedy the defect of Junker. Baetzold is not concerned with attaching bags to a display strip, much less with preventing damage to the bags during their peeling from a display strip. Instead, the purpose of his invention is to provide "adhesive compositions ... [that] may be coated onto a variety of substrates, resist blocking upon being supplied as a roll-good, and exhibit a wide

range of bond strengths, amenable to a variety of cold seal bonding applications" (Abstract).

Peelable and sealable compositions of Baetzold "are used to package food and sterilizable medical device, self-seal and tamper evident envelopes, banding for paper money, napkins, and clothing; and protective packaging such as fold over "blister" packages for hardware and small parts;" "as anti-skid coatings and for release-paper free tapes such as tabless diaper tapes" (col. 11, ll.1-9). Baetzold further provides a broad range for acceptable peel strength from 0 to 2,000 g/linear inch and notes that selection of a particular peel strength "depends on the end-use application" (col. 10, lines 45-56). Baetzold, however, has no examples of using its adhesive for attaching bags to a display strip. Furthermore, Baetzold has no teaching whatsoever of a sealant layer, much less of a sealant layer, which is torn more easily than the surface of the bag.

Therefore, neither cited reference discloses, teaches or suggests the sealant layer of claim 1. Accordingly, a combination of Junker and Baetzold does not make claim 1 obvious.

Claim 9, which has been rewritten in an independent form, requires a polyethylene layer formed between the substrate layer and the sealant layer. As discussed in the specification, because polyethylene is flexible and has a high tensile extensibility, a polyethylene layer is used in one embodiment of the present invention to strengthen the display strip. The polyethylene layer is also used as a joining material to bond the substrate layer to the sealant layer (§0056). Cited references do not make the amended claim 9 obvious because neither reference teaches or suggests such polyethylene layer.

As discussed above, Junker mentions that the strip may have a sealing layer so that "the connection to the bag can occur through hot sealing" (col. 2, ll. 55-63). But Junker does not provide any further details with respect to the composition of the sealing layer. Furthermore, Junker has no teaching whatsoever of a polyethylene layer, much less of a polyethylene layer formed between the substrate layer and the sealant layer.

Baetzold cannot remedy the defect of Junker. Baetzold has no teaching whatsoever of using polyethylene as a separate layer, much less of a polyethylene layer formed between the substrate layer and the sealant layer. Furthermore, Baetzold describes adhesive compositions containing "substantially linear interpolymers" that "differ from low density polyethylene prepared in a high pressure process" (col.4, lines 49-51). Based on this teaching, those skilled in the art would have been discouraged from using a polyethylene layer to form a display strip.

Therefore, neither cited reference discloses, teaches a polyethylene layer as required by claim 9. Accordingly, a combination of Junker and Baetzold does not make claim 9 obvious.

New claim 15 is directed to a display strip comprising a substrate layer and a sealant layer, with the sealant layer containing an ethylene-vinyl acetate copolymer and an adhesive promoting tackifier. Claim 15 requires a melt flow rate (MFR) of the ethylene-vinyl acetate copolymer to be in a range of 1 to 30. As explained in the instant specification, when the MFR is less than 1, film formation becomes difficult since a melting viscosity is too high. When ethylene-vinyl acetate copolymer having a MFR of more than 30 is used to make a display strip, the bags attached to the display strip often drop when temperature inside the room rises to 30 °C or higher

(§0042). Cited references do not anticipate or make new claim 15 obvious because neither reference teaches or suggests a display strip with the specified MFR of the ethylene-vinyl acetate copolymer component.

New claim 20 is also patentable over the cited art. In the instant invention, when the bags are bonded to the display strip for display, the weight of bags creates a substantial load that is applied to the bonding area between bags and the display strip. Thus, the bonding between bags and the display should be sufficiently strong to retain bags on the display strip against the gravity force. On the other hand, it is desirable to allow removal of the bags without damage to their surface.

Accordingly, new claim 20 is directed to a display strip that provides enough bonding strength with the bags to hold them during transporting but allows to remove the bags without damaging the outer surface. Thus, the display strip of the present invention has to satisfy to opposite conditions: (1) provide a strong bonding with the bags to resist the gravity force and (2) provide a releasable bonding that allows removal of the bags from the display strip without damaging their surface.

Neither cited reference teaches or suggests a display strip that satisfies both conditions. As noted above, Junker merely mentions display strips with a sealing layer, but does not specify any compositions, structures, or functional characteristics of such sealing layer. Baetzold does not remedy the defect of Junker. As noted above, peelable and sealable compositions of Baetzold are used mostly in packaging. Although Baetzold discusses a broad range of bonding strengths, he does not provide a single example where the bonding must resist a gravity force and, at the same time, allow detachment without damage to the bonding surface. Therefore, cited references do not anticipate or make new claim 20 obvious.

Claims 4-13 depend from claims 1, 9, 15, or 20 and are patentable over Junker and Baetzold for at least the same reasons as claims 1, 9, 15, and 20. Similarly, new dependent claims 14, 16-19 depend from claims 1, 9, 15, or 20 and are patentable over Junker and Baetzold for at least the same reasons as claims 1, 9, 15, and 20.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 789-5153 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
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